

Summons and petition to be served on all persons whose interests affected by proceeding.

Process as in other special proceedings.

Persons interested may oppose condemnation.

Provision for appointment of commissioners.

Commissioners to take oath.

Powers and duties of commissioners.

Commissioners to make report to court.

Exceptions to report.

Appeal.

Right to trial by jury.

Possession of lands by petitioners.

est, claim, or right thereto. If any such person is under any legal disability, that fact shall be stated. A summons as in other cases of special proceedings, together with a copy of the petition, must be served on all persons whose interests are to be affected by the proceeding at least ten days prior to the hearing of the same by the court.

SEC. 5. In all special proceedings instituted under this chapter, the issuance and service of all summons, orders, notices and other papers, shall be made as in other special proceedings.

SEC. 6. At any time within ten days after the completion of the service of summons, all persons whose estate is or interests are to be affected by the proceedings may answer, or otherwise plead to the petition and show cause against granting the prayer of the same, and may disprove any of the facts alleged. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order appointing three disinterested and competent freeholders who reside in Pitt County, or if the parties demand it, who reside within some county adjacent to Pitt County, and shall fix the time and place for the first meeting of the commissioners.

SEC. 7. The commissioners appointed by the court, before entering upon the discharge of their duties, shall take and subscribe an oath that they will fairly and impartially appraise the lands mentioned in the petition. They shall view the land described in the petition, hear the proofs and allegations of the parties, and may reduce any testimony taken by them to writing. Any one of them may issue subpoenas, administer oaths to witnesses, and any two of them may adjourn the proceedings to some fixed future date but for not more than ten days. After the testimony is closed, a majority of them all being present and acting, shall ascertain and determine the compensation which ought justly to be made to the owners of said land appraised by them. They shall make their report to the court within five days in writing.

SEC. 8. At any time within twenty days after the report of the commissioners is filed, any one of the parties to the proceeding may file exceptions to said report, and upon the determination of the same by the court, any of the parties to the proceeding may appeal to the Superior Court at term, and thence, after judgment, to the Supreme Court. If any of the parties shall demand it, they shall have the amount of compensation assessed by the commissioners and any other questions of fact heard and determined before a jury in the Superior Court. If the said petitioners, upon the filing of the report by the commissioners, shall pay into court the sum appraised by the commissioners, then the petitioners may enter upon, take possession of and hold said land notwithstanding the pendency